

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:  GULF COAST HEALTH CARE, LLC, <i>et al.</i> ,  Debtors.	Chapter 11  Case No. 21-11336 (KBO)  (Jointly Administered)
BELFOR USA GROUP, INC.,  Plaintiff,  v.  GULF COAST HEALTH CARE, LLC, NF GLEN COVE, LLC d/b/a GLENCOVE HEALTH AND REHABILITATION CENTER,  Defendants.	Adv. Proc. No. 22-50355 (KBO)  <b>Re: Adv. Docket No. 4</b>

**DEFENDANTS' MOTION TO DISMISS AMENDED ADVERSARY COMPLAINT**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, as made applicable to this proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, Anthony M. Saccullo of Saccullo Business Consulting, LLC, solely in his capacity as the Litigation Claimants Trustee of the Litigation Claimants Trust (the "Trustee"), as successor-in-interest to the above-captioned Defendants hereby moves for an order, in substantially the form attached hereto, dismissing the Amended Complaint for Imposition of Constructive Trust and for an Accounting against Defendants (Adv. Docket No. 4) with prejudice for failure to state claims upon which relief can be granted. The grounds for this motion are explained in the accompanying Opening Brief in Support of Defendants' Motion to Dismiss for Failure to State a Claim Pursuant to Federal Rule of Civil Procedure 12(B)(6) and Federal Rule of Bankruptcy Procedure 7012, filed concurrently herewith. Pursuant to Bankruptcy Rule 7012 and Local Rule 7012-1, the Trustee consents to entry

of a final order and judgment by the Bankruptcy Court.

Dated: September 21, 2022  
Wilmington, Delaware

Respectfully submitted,

/s/ R. Stephen McNeill

Christopher M. Samis (No. 4909)

R. Stephen McNeill (No. 5210)

Andrew L. Brown (No. 6766)

**POTTER ANDERSON & CORROON LLP**

1313 North Market Street, 6<sup>th</sup> Floor

Wilmington, DE 19801

Telephone: (302) 984-6000

Facsimile: (302) 658-1192

Email: csamis@potteranderson.com

rmcneill@potteranderson.com

abrown@potteranderson.com

*Counsel to the Defendants*